

**937. Misbranding of Betene. U. S. v. 79 Packages of Betene. Default decree of condemnation and destruction. (F. D. C. No. 10050. Sample No. 8127-F.)**

Examination of this product indicated that it was essentially a mixture of powdered skim milk, dried egg yolk, saccharin, cereal products, flavors, and combined calcium and phosphorus.

On June 5, 1943, the United States attorney for the District of Minnesota filed a libel against 79 packages of Betene at Faribault, Minn., alleging that the article had been shipped in interstate commerce on or about March 3 and 26, 1943, by the Vegetable Juice & Products Co. from Rochester, N. Y.; and charging that it was misbranded. The article was labeled in part: "Betene \* \* \* A Special Dietary Supplement \* \* \* L. H. Steward Corporation Rochester, New York."

The article was alleged to be misbranded in that the statements appearing on the label and in the circular entitled "I've Found the Sure Way to Acquire Normal Weight," which accompanied the article in interstate commerce, were false and misleading since they represented and suggested and created in the mind of the reader the impression that the article, when consumed as directed, would cause an increase in weight and add to the vigor and vitality of the user; and also that when consumed as directed, it constituted a sure, sane, safe and effective way to reduce, whereas it would not accomplish such results.

The article was also alleged to be misbranded under the provisions of the laws applicable to foods, reported in food notices of judgment.

On July 27, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**938. Misbranding of Chagnon's Sirotar. U. S. v. 131 Bottles of Chagnon's Sirotar. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 7858. Sample No. 90894-E.)**

On July 13, 1942, the United States attorney for the District of Rhode Island filed a libel against 131 bottles of Chagnon's Sirotar at Arctic (West Warwick), R. I., alleging that the article had been shipped in interstate commerce on or about May 1, 1942, from Worcester, Mass., by Brewer & Co., Inc.; and charging that it was misbranded. The label of the article bore a conspicuous pictorial design of a cod fish.

Examination of the article failed to reveal the presence of cod liver oil concentrate.

The article was alleged to be misbranded in that the statement "Cod Liver Oil Concentrate," and the pictorial design of a cod fish borne on the label were false and misleading as applied to an article which contained an inconsequential amount, if any, of cod-liver oil concentrate as one of its ingredients. It was alleged to be misbranded further in that its container was so made and filled as to be misleading since the carton containing the bottle was excessively large.

On December 23, 1942, Chagnon's Family Drug Store, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled.

**939. Misbranding of Effervescent Kruschen. U. S. v. 17-5/6 Dozen Packages of Effervescent Kruschen. Decree of condemnation and destruction. (F. D. C. No. 6637. Sample No. 64647-E.)**

Analysis showed that this product consisted essentially of 18.7 percent anhydrous Epsom salt (magnesium sulfate) with small proportions of common salt (sodium chloride), potassium chloride, sodium sulfate, and potassium sulfate, with an effervescent base consisting of a mixture of sodium bicarbonate and citric acid.

On January 3, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 17 5/6 dozen packages of Effervescent Kruschen at Pittsburgh, Pa., alleging that the article had been shipped on or about August 22, 1941, from Rochester, N. Y., by E. Griffiths Hughes, Inc.; and charging that it was misbranded in that the following statements appearing in the circular accompanying the article were false and misleading since they created the impression that the article constituted an effective agent for reducing weight, whereas it did not constitute an effective agent for such purpose: "As an Assistant To Diet In Reducing Fat Kruschen Salts thru a wholesome stimulating effect on the liver and bowels, and a mild diuretic effect on the kidneys offers assistance to sensible eating in the problem of overweight. This has similarities to the European Spa treatment for weight reduction and in a measure brings the so-called Spa treatment (sensible eating and mineral waters)

into the home without that extraordinary expense which accompanies visits to such resorts."

On May 4, 1942, E. Griffiths Hughes, Inc., claimant, having submitted a petition for salvage, requesting the release of the product, an order was entered that the product be released under bond for removal of the circular complained of and for labeling in accordance with the requirements of the law, under the supervision of the Food and Drug Administration. On August 3, 1943, the claimant having consented to the vacating of the order and having stated that it did not intend to defend, such order was cancelled and judgment of condemnation was entered, together with an order for the destruction of the product.

**940. Misbranding of Eopa Home Remedies. U. S. v. 23 Packages of Eopa Home Remedies No. 75, 3 Packages of Eopa Tablets No. 58, 5 Packages of Eopa Home Remedies No. 234, and 2 Packages of Eopa Home Remedies No. 234. Default decree of condemnation. Products ordered destroyed. (F. D. C. Nos. 7367 to 7370, incl. Sample Nos. 93402-E to 93405-E, incl.)**

On April 23, 1942, the United States attorney for the Western District of Washington filed a libel against the above-named products at Seattle, Wash., alleging that the article had been shipped into interstate commerce on or about January 13, 1941, and January 2 and February 10, 1942, by the Eopa Company from San Francisco, Calif.

Analysis of a sample of Eopa Home Remedies No. 75 showed that the article consisted essentially of milk sugar and starch with small amounts of talc, magnesium, and potassium phosphates. The article was alleged to be misbranded in that the statements appearing the labeling were false and misleading since they represented and suggested that it was efficacious in the treatment of neuritis, neuralgia and sciatica, whereas the article was not so effective. It was alleged to be misbranded further in that the label failed to bear the common or usual name of the active ingredients.

Examination of a sample of Eopa Tablets No. 58 showed that the article consisted essentially of milk sugar, starch, and sugar, with small amounts of plant material. The article was alleged to be misbranded in that certain statements appearing on the labeling which represented and suggested that it was efficacious in the treatment of grip, infectious colds, head colds, tickling coughs due to colds, hoarseness, spasmodic croup, coryza, and acute rhinitis, were false and misleading, since the article was not so effective.

Analysis of a sample of the Eopa Home Remedies No. 234 showed that it consisted essentially of milk sugar, starch, and sugar, with small amounts of lithium and ammonium compounds including phosphates. The product was alleged to be misbranded in that certain statements appearing on the labeling represented and suggested that it was efficacious in the treatment of arthritic rheumatism (inflamed joints), severe pain, arthritis, chronic rheumatism, and rheumatic gout, whereas the article was not so effective. Another lot of the same product was alleged to be misbranded in that its labeling bore statements that it was efficacious in the treatment of arthritis, stiff, aching joints, swollen, gouty, inflamed and deformed joints, arthritis, chronic rheumatism, and rheumatic gout, whereas the article was not so effective. It was alleged to be misbranded further in that the label failed to bear the common or usual name of the active ingredients of the product.

On October 30, 1942, no claimant having appeared, a decree of condemnation was entered and the court ordered the products destroyed.

**941. Misbranding of first aid kit. U. S. v. 18 Dozen Packages of White Cross Emergency First Aid Kit. Default decree of condemnation. Product ordered destroyed. (F. D. C. No. 7826. Sample No. 66260-E.)**

On July 2, 1942, the United States attorney for the Northern District of Illinois filed a libel at Chicago, Ill., against 18 dozen packages of White Cross Emergency First Aid Kit, alleging shipment in interstate commerce on or about May 8, 1942, by the American White Cross Laboratories, Inc., from New Rochelle, N. Y.

Examination of samples taken from this consignment showed that the adhesive bandages in the kits were not sterile, but were contaminated with living spore-bearing bacilli and cocci.

The article was alleged to be misbranded in that the statements, "Emergency First Aid Kit" and "Be Prepared," which appeared on the can, were false and misleading for the following reasons: The adhesive was not sterile, but was contaminated with living micro-organisms and was not suitable for first aid purposes; it was not a first aid kit since it did not contain material for treating